

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**JAMES AVERY CRAFTSMAN, INC.,**

**Plaintiff,**

**v.**

**SAM MOON TRADING ENTERPRISES, LTD. dba SAM MOON TRADING CO.; JC & ME COLLECTION, INC.; and MODERN SILVER JEWELRY, INC.; SHENZHEN MASCOT JEWELRY CO., LTD.; and JOHN DOE,**

## Defendants.

**Civil Action No. 5:16-cv-00463-OLG**

**ADVISORY TO THE COURT REGARDING PLAINTIFF JAMES AVERY'S MOTION  
TO COMPEL AND MOTION TO ABATE PENDING SETTLEMENT DISCUSSIONS**

Plaintiff James Avery Craftsman, Inc. (“James Avery”) files this Advisory to the Court regarding James Avery’s Motion to Compel (Dkt. 51) and, in support hereof, respectfully states as follows:

1. On July 13, 2017, Plaintiff James Avery filed its Motion to Compel Production of Documents from Defendants and Request for Attorneys' Fees (the "Motion to Compel"). According to Rule CV-7(e), a response to a nondispositive motion shall be filed not later than seven days after the filing of the motion. Based on Rule CV-7(e), the deadline for filing a response to the Motion to Compel was July 20, 2017.

2. Defendants JC & Me Collection, Inc. (“JC & Me”) and Modern Silver Jewelry, Inc. (“Modern Silver”) have failed to file any response to the Motion to Compel and have not requested any extension of time to respond to the Motion to Compel.

3. On July 20, 2017, Defendant Sam Moon Trading Enterprises, Ltd. dba Sam Moon (“Sam Moon”) filed its Response to the Motion to Compel.

4. Additionally, on July 20, 2017, Plaintiff James Avery and Defendant Sam Moon entered into further settlement discussions following mediation.

5. On July 26, 2017, Plaintiff James Avery and Defendant Sam Moon filed their Joint Advisory to the Court Regarding James Avery’s Motion to Compel and Motion to Abate Pending Settlement Discussions (Dkt. 60).

6. On or about September 7, 2017, Plaintiff James Avery and Defendant Sam Moon ultimately reached a resolution of the claims asserted as between James Avery and Sam Moon and James Avery and Sam Moon executed a Settlement Agreement.

7. Pursuant to the terms of the Settlement Agreement, a Stipulation for Dismissal of Defendant Sam Moon was filed on September 18, 2017 (Dkt. 65).

8. Now that the Stipulation of Dismissal has been filed as to Defendant Sam Moon, James Avery requests the Court no longer place this Motion to Compel in abeyance.

9. Furthermore, in accordance with Rule CV-7(e)(2), James Avery requests the Court grant its Motion, including the relief requested, as unopposed because Defendant JC & Me and Defendant Modern Silver each failed to file a response to the Motion to Compel.

Date: September 19, 2017

Respectfully submitted,

By: /s/ J. Daniel Harkins

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James Avery Craftsman, Inc.*

**CERTIFICATE OF SERVICE**

Pursuant to the Federal Rules of Civil Procedure and the Local Rules, I hereby certify that all counsel of record who have appeared in this case are being served on September 19, 2017 with a copy of the foregoing via the Court's CM/ECF system.

/s/ Sherri A. Wilson  
Sherri A. Wilson